



THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

This document consists of 2 pages  
Number of 16 copies, Series A

OFFICIAL-INFORMAL  
SECRET

American Embassy, SHAPE/L,  
Paris, France,  
June 25, 1959.

Dear Russ:

General Gale, Deputy SACEUR, has now made his report to General Norstad concerning the Alert Measures problem in Germany. I thought you might find useful a summary of his activities and recommendations.

He reviewed his meeting of March 23 with the three Ambassadors and Strauss, Ambassador Bruce's talk with Chancellor Adenauer (Bonn's 2136 to the Department), the French Ambassador's talk with Globke (Bonn's G-574 to the Department), and SHAPE Colonel d'Anglejan's discussion on May 12 with German Defense officials (Bonn's G-614 to the Department).

He then described his meeting of June 1 with the three Ambassadors and Defense Minister Strauss. General Gale thinks of this as the SHAPE-sponsored conference. Out of it he considers four clear facts emerged:

1. The German authorities had no clearcut detailed list of measures which might have to be undertaken in the case of National Emergency by the various departments of Government and the Lander authorities.

2. In the detailed analysis of what should be done, the Federal authorities had come across differences of interpretation of action to implement the Alert Measures as between the two Army groups in Germany.

3. There was

Russell Fessenden, Esquire,  
Deputy Director, Office of  
European Regional Affairs,  
Department of State,  
Washington.

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From Raymond L. Thurston

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3. There was no chance of the Federal Government attempting to enact the necessary legislation.

4. The German authorities would be prepared to react to a proclamation issued by the three Ambassadors. The terms and wording of such proclamation to be drawn up in consultation with the Federal authorities and to be of the most general nature.

As a result of the meeting, he proposes to set up under SHAPE auspices a working party to define precisely what action should be undertaken to implement the Alert Measures in a practical way. CINCENT would be represented so that any matters of apparent or real difference between the two Army groups would be cleared up easily. The real object of the working party would be to give the German authorities the essential information they would require in order to draw up their complete list of measures. At the same time the three Ambassadors, the German authorities, and SHAPE would draw up the necessary proclamation.

MOD Strauss, according to General Gale, does not consider it an insuperable task to draw up the list of actions which could be immediately implemented in the event that a national emergency existed and the necessary legislation had been passed. However, an essential preliminary must be the cleaning up of details with the Allied military authorities. In an emergency there would be little or no difficulty in having the backing of all German authorities for the acceptance of the proclamation which would declare a state of emergency. If time permitted and in the pressure of such circumstances, it would be reasonably certain that there would be a favorable two-thirds majority in the Bundestag.

General Gale concludes that we cannot expect the Germans to amend the Basic Law at present and that the above-mentioned approach will be the most satisfactory way to get at the problem. Enclosed is a copy of the type of proclamation he has in mind suggesting to the Ambassadors and German authorities.

Sincerely,



Raymond L. Thurston

Enclosure:

Photostat of proclamation

cc: Mr. Tyler, Bonn  
Mr. Wolf, Paris

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# TRANSCRIPTION - ORIGINAL FOLLOWS

## DRAFT PROCLAMATION

the Chancellor of the Federal Republic of Germany and by the Ambassadors of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the French Republic.

Whereas (brief description of the facts such as : through the armed attack of the Soviet Forces on the territory of the Federal Republic of Germany) a state of emergency has arisen in the Federal Republic;

Whereas the Federal Government which does not possess all the necessary powers under the actual German legislation has agreed jointly with the Three Powers in accordance with para 2 of Article 5 of the Paris Agreements to order the implementation of the measures deemed necessary to take effective action to protect the security of its own forces, of those of the United States, the United Kingdom and France stationed in the Federal Republic;

Whereas the Ambassadors of the Three Powers are acting on behalf of, and are duly authorized by their Governments, in accordance with Para 2 of Article 5 of the Convention on Relations;

Now therefore, we

\_\_\_\_\_  
Chancellor of the Federal  
Republic of Germany,

\_\_\_\_\_  
Ambassador of the United  
States of America,

\_\_\_\_\_  
Ambassador of the United  
Kingdom of Great Britain  
and Northern Ireland,

\_\_\_\_\_  
Ambassador of the French  
Republic

Do hereby jointly proclaim and order as follows:

### Article 1

A state of emergency is hereby declared to exist in the Federal Republic of Germany.

### Article 2

(1) All necessary measure will be taken as and when requested by the military authorities of the North Atlantic Treaty Organization.

(2) For the purpose of implementing the present Proclamation. The Federal Government will issue general and individual orders and directives to the governments of the Laender and the governmental

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authorities of all political sub-divisions thereof.

Article 3

The present Proclamation and all measures taken in implementation thereof shall over-ride any provisions of the Basic Law of the Federal Republic of Germany and of other legislation in force in the Federal Republic which might be inconsistent therewith.

# DOUBT

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**THE UNIVERSITY OF CHICAGO**

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**THE UNIVERSITY OF CHICAGO PRESS**

A state of emergency is hereby declared to

## Article 2: The Right to Life

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TRANSCRIPTION - ORIGINAL FOLLOWS

Article 4

The present Proclamation shall take effect upon being made [ 2 words illeg] a state alert has been declared by the Supreme Allied Commander of Europe. As authorized by the NATO nations

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ARTICLE 1

The present Proclamation shall take effect as soon as a state of alarm has been declared by the President of the United States, as authorized by the U.S. National

Done at

Washington, D.C., this 1st day of January, 1943.

For the President

By the Vice President

By the Secretary of War

By the Secretary of the Navy

By the Secretary of the Interior

By the Secretary of Agriculture

By the Secretary of Commerce

By the Secretary of Labor

By the Secretary of Education

By the Secretary of Health

By the Secretary of Justice

By the Secretary of State

By the Secretary of the Army

By the Secretary of the Air Force

By the Secretary of the Marine Corps

By the Secretary of the Coast Guard

By the Secretary of the Navy Reserve